

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 04-**{redacted}**V

Filed: December **{redacted}**, 2006

Not to be published.<sup>1</sup>

**{redacted}** GRACE **{redacted}**,

Petitioner,

v.

Vaccine Act Attorneys' Fees

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

### DECISION (ATTORNEYS' FEES)

**HASTINGS**, Special Master.

On December 7, 2006, the petitioner submitted an application seeking an award of fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program. The application sought a total of \$ 37,749.85. In a status report filed on December 4, 2006, respondent's counsel indicated that he had no objection to such an amount. However, on December 11, 2006, counsel for petitioner amended his application downward to seek a total of \$ 36,697.35, due to an "error discovered in the calculation in the Application for Fees and Costs." The same day, Respondent's new counsel telephonically informed my staff that she would have no objection to such an amount.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. The total figure of \$ 36,697.35 seems reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- A lump sum of \$ 27,935.50, in the form of a check payable jointly to petitioner and petitioner's counsel, Thomas P. Gallagher, on account of petitioner's attorneys' fees; and
- a lump sum of \$ 9,037.85, in the form of a check payable to petitioner, on account of her own litigation costs.

---

<sup>1</sup>At petitioner's request, this document will be posted to the United States Court of Federal Claims' website with the petitioner's personal information redacted. See petitioner's filing of November 27, 2006, and my order of November 29, 2006.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

---

George L. Hastings, Jr.  
Special Master